

Tribal Court/State Court Forum

Principles and Values A Living Document¹

The Tribal Court/State Court Forum is guided by the following set of overarching principles, which were adopted early in its deliberations:

History

1. Historical evolution of the United States and Federal/State Indian policy/law are the opposite sides of the same coin. Historical perspective is essential to putting the statutes, treaties and cases in the field of Indian law in their historical context.

Sovereignty

2. Tribes have a unique government to government relationship with all other sovereigns.
3. Tribes, as sovereigns, possess the inherent authority to create their own governments and establish their own laws.
4. Among the attributes of tribal sovereignty is the jurisdiction and authority to establish justice systems to meet the needs and reflect the values and traditions of the tribal community.
5. That sovereignty is impacted by the reality of centuries of law and policy that bring the various sovereign(s) — state, tribal and federal— to this era.

Citizenship

6. Tribal members are citizens of their Tribes, citizens of the State of California, and citizens of the United States.
7. All of these sovereigns agree that all citizens deserve equal access to justice.
8. It is in the best interest for all citizens for Tribal Courts and the Courts of the State of California to coordinate and share resources in order to achieve a seamless delivery of justice and to ensure that our citizens receive the benefit of all that both systems have to offer.

¹ Forum members anticipate revising this document to reflect changes based on sharing experiences and learning from one another.

Tribal and State Justice Systems

9. Tribal Courts and the Courts of the State of California are fundamentally similar; they have more in common than they have differences.
10. Tribal Courts and the Courts of the State of California share the same goal—the fair process for and quality treatment of all people who appear before them; public safety; and accountability.
11. Tribal and State justice systems will necessarily look different because there are procedural, substantive, and cultural differences in how they deliver justice.
12. Tribal and State justice systems both value justice, however, they may not always agree on what those justice systems look like.
13. Neither Tribal nor State justice systems have an exclusive franchise on the best way to deliver justice.

Education and the Promotion of Mutual Trust and Respect

14. Tribal Courts and the Courts of the State of California and their justice partners have much to learn from one another, and when differences occur, tribal and state court judges agree to discuss those differences and convene justice partners to discuss them.
15. The desire for consensus and community-wide harmony serve as a philosophical basis for Tribal and State Court judges to use to bridge those differences.
16. Mutual respect implies understanding and acceptance of the other person's culture, religious beliefs², and background.
17. Mutual respect is engendered through education— gaining historical perspective, learning from one another, discussing areas of mutual concern, visiting each other's Courts, building consensus, and finding solutions together to the pressing issues confronting Tribal Courts and the Courts of the State of California for the benefit of citizens of Tribes and the State of California.

² The American Indian Religious Freedom Act (Public Law 95-341) was passed as a joint resolution of Congress in 1978 as a declaration of Federal policy "to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians."

Forum members identified a set of values, which would inform their work together. Those values are:

- Equal Representation— Equal representation from Tribal and State justice systems
- Cooperation—Actively fostering cooperation between Tribal Courts and the Courts of the State of California;
- Sharing— Sharing available resources between Tribal Courts and the Courts of the State of California;
- Improving Access to Justice— Working cooperatively to improve access to justice by addressing jurisdictional issues and the lack of services and other resources in Indian Country; and
- Mutually Acceptable Solutions— Working cooperatively to identify and address areas of concurrent jurisdiction and establish mechanisms for the allocation, sharing and transfer of jurisdiction and working cooperatively to identify and address issues of full faith and credit and mutual enforcement of court orders.